

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**U.S. NAVY SEALs 1-26**, et al.,

Plaintiffs,

v.

**JOSEPH R. BIDEN, JR.**, et al.,

Defendants.

Case No. 4:21-cv-01236-O

**DECLARATION OF JOYCE FLO**

Pursuant to 28 U.S.C. § 1746, I, Joyce Flo, under penalty of perjury declare as follows:

1. I am over the age of eighteen and am competent to make this declaration.
2. I am a legal assistant for First Liberty Institute, one of the law firms representing the Plaintiffs in this matter.
3. The information contained in this declaration is based on my personal knowledge.
4. I helped prepare the summons, complaint, and civil cover sheet for service of process on Defendant Carlos Del Toro.
5. After Plaintiffs filed their complaint in this matter, we mailed a copy of the summonses, complaint, and civil cover sheet—via certified mail—to Defendant Del Toro at his business address. The United States Postal Service website indicates the certified mail was delivered to Defendant Del Toro on November 16, 2021 at 7:04 a.m. Attached as Exhibit 1 to this declaration is a true and correct copy of the United States Postal Service tracking webpage indicating the documents were delivered to Defendant Del Toro on November 16, 2021.
6. Out of an abundance of caution, we also hired Capitol Process Services, Inc. in Washington, DC to serve Defendants Lloyd Austin and Del Toro personally.

7. On November 16, 2021, Louis Gerrick of Capitol Process Services emailed me that they had reached out to the Department of the Navy to serve Defendant Del Toro. Mr. Gerrick wrote:

We've been trying to reach our point of contact at the Department of the Navy in order to get this served. She is the only authorized recipient on site due to COVID-19, but she is only in the office about 10-14 hours per week maximum so it's difficult to reach her. When we call from in front of the building, she actually comes outside and accepts service at the entrance gate. We cannot walk onto the property, so without her being at the office we're unable to serve. We have someone heading back today to try again.

Attached as Exhibit 2 to this declaration is a true and correct copy of an email I received from Mr. Gerrick on November 16, 2021.

8. On December 1, 2021, Vance Warren from Capitol Process Services emailed me that they had completed personal service on Defendant Del Toro and that Ms. Witcher received both summonses for Defendant Del Toro. Attached as Exhibit 3 to this declaration is a true and correct copy of an email I received from Mr. Warren on December 1, 2021.

9. On December 8, 2021, Angie Croson of Capitol Process Services emailed me the affidavit of service for Defendant Del Toro. Attached as Exhibit 4 to this declaration is a true and correct copy of an email I received from Ms. Croson on December 8, 2021.

10. Plaintiffs filed the affidavit of service for Defendant Del Toro on December 8, 2021. *See* ECF No. 40.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on January 14, 2022.

  
\_\_\_\_\_  
JOYCE FLO

# **Exhibit 1**

Track Another Package +

Tracking Number: 70180680000185442846

Remove X

Your item was delivered at 7:04 am on November 16, 2021 in WASHINGTON, DC 20310.

USPS Tracking Plus™ Available ∨

✓ Delivered

November 16, 2021 at 7:04 am  
WASHINGTON, DC 20310

Get Updates ∨

Feedback

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Text & Email Updates



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Tracking History



November 16, 2021, 7:04 am

Delivered

WASHINGTON, DC 20310

Your item was delivered at 7:04 am on November 16, 2021 in WASHINGTON, DC 20310.

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November 16, 2021, 6:56 am

Available for Pickup

WASHINGTON, DC 20310

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November 16, 2021, 6:47 am

Arrived at Post Office

WASHINGTON, DC 20018

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November 11, 2021, 12:23 am  
Departed USPS Regional Origin Facility  
COPPELL TX DISTRIBUTION CENTER

November 10, 2021, 9:14 pm  
Arrived at USPS Regional Origin Facility  
COPPELL TX DISTRIBUTION CENTER

November 10, 2021, 7:32 pm  
Departed Post Office  
PLANO, TX 75074

November 10, 2021, 1:16 pm  
USPS in possession of item  
PLANO, TX 75074

USPS Tracking Plus™

Product Information

Postal Product:	Features:	See tracking for related item: 9590940251729122927218 (/go/TrackConfirmAction?tLabels=9590940251729122927218)
First-Class Mail®	Certified Mail™	

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

Feedback

## **Exhibit 2**

**From:** Louis Gerrick <[lgerrick@capitolprocess.com](mailto:lgerrick@capitolprocess.com)>

**Date:** Tuesday, November 16, 2021 at 1:37 PM

**To:** Joyce Flo <[jflo@firstliberty.org](mailto:jflo@firstliberty.org)>

**Cc:** 'Abel Emiru' <[aemiru@capitolprocess.com](mailto:aemiru@capitolprocess.com)>, 'Louis Gerrick' <[lgerrick@capitolprocess.com](mailto:lgerrick@capitolprocess.com)>

**Subject:** RE: US Navy Seals vs. Joseph Biden

Hi Joyce,

We've been trying to reach our point of contact at the Department of the Navy in order to get this served. She is the only authorized recipient on site due to COVID-19, but she is only in the office about 10-14 hours per week maximum so it's difficult to reach her. When we call from in front of the building, she actually comes outside and accepts service at the entrance gate. We cannot walk onto the property, so without her being at the office we're unable to serve. We have someone heading back today to try again.

Thank you,

Louis

Louis Gerrick  
Capitol Process Services, Inc.  
1827 18th Street, NW  
Washington, DC 20009  
O: (202) 667-0050  
[info@capitolprocess.com](mailto:info@capitolprocess.com)

### **Voted Best Process Server in the DC/Metropolitan Area 8 Years in a Row**

**From:** Joyce Flo <[jflo@firstliberty.org](mailto:jflo@firstliberty.org)>

**Date:** November 16, 2021 at 1:42:30 PM EST

**To:** Abel Emiru <[aemiru@capitolprocess.com](mailto:aemiru@capitolprocess.com)>

**Subject:** Re: US Navy Seals vs. Joseph Biden

Were you able to server Carlos Del Toro?

**Joyce Flo**

Sr. Legal Assistant

[Jflo@firstliberty.org](mailto:jflo@firstliberty.org)

**First Liberty Institute**

*Restoring Religious Liberty for All Americans*



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f. 972-423-6162

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Suite 1600  
Plano, TX 75075  
[FirstLiberty.org](http://FirstLiberty.org)

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**From:** Abel Emiru <[aemiru@capitolprocess.com](mailto:aemiru@capitolprocess.com)>  
**Date:** Tuesday, November 16, 2021 at 12:26 PM  
**To:** Joyce Flo <[jflo@firstliberty.org](mailto:jflo@firstliberty.org)>  
**Cc:** info <[info@capitolprocess.com](mailto:info@capitolprocess.com)>  
**Subject:** US Navy Seals vs. Joseph Biden

Joyce,

I am still working to get a hold of someone at DOD litigation to serve Lloyd J. Austin. They are only coming into the office a few times out of the week. I will let you know when it is served.

Thank You

Abel Emiru  
Capitol Process Services, Inc.  
[1827 18th street, NW](#)  
[Washington, DC 20009](#)  
Phone: 202-667-0050  
[aemiru@capitolprocess.com](mailto:aemiru@capitolprocess.com)

## **Exhibit 3**

**Subject:** Us Navy Seals 1-26 v Pres Biden

**Date:** Wednesday, December 1, 2021 at 9:46:36 AM Central Standard Time

**From:** Vance Warren

**To:** Info, jflo@firstliberty.org

Carlos Del Toro, Secretary of Navy was served today by serving Renata Witcher-Legal Technician, Navy JAG at 10:40am.

Ms. Witcher received both Summonses for Secretary Del Toro.

--

Vance M Warren Sr  
Capitol Process Services  
202-667-0050

## **Exhibit 4**

**Subject:** Affidavit for E-Filing and Invoice for Job# 1596052 / File #N/A / Carlos Del Toro  
**Date:** Wednesday, December 8, 2021 at 2:25:17 PM Central Standard Time  
**From:** Angie Croson  
**To:** [jflo@firstliberty.org](mailto:jflo@firstliberty.org)  
**Attachments:** 1596052\_invoice\_63774573886353.pdf, Affidavit.pdf

Hello,

Please find attached the affidavit for e-filing and invoice for this service. Please file the affidavit electronically with the court. Please note that hard copies of this affidavit and invoice will not follow via USPS. Thank you,

Angie Croson  
Capitol Process Services, Inc.  
1827 18th Street, NW  
Washington, DC 20009  
Office: (202) 667-0050  
[acrosen@capitolprocess.com](mailto:acrosen@capitolprocess.com)